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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 25 April 2000, at 10.30 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the twenty-second session of the Committee on Economic, Social and Cultural Rights and invited the High Commissioner for Human Rights to address the Committee.

INTRODUCTORY STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mrs. ROBINSON (High Commissioner for Human Rights), recalling the main developments relating to economic, social and cultural rights since the Committee's previous session, said she was pleased to announce that the General Assembly of the United Nations had approved Economic and Social Council decision 1999/287 on the holding of two extraordinary sessions of the Committee in 2000 and 2001. That was an important contribution to the Committee's endeavours to implement its monitoring tasks efficiently and expeditiously.

3. Within the broader context of the United Nations system, the Memorandum of Understanding concluded in March 1998 with the United Nations Development Programme (UNDP) had begun to bear fruit. UNDP country offices were contributing to the work of the Committee by taking part in its sessions and providing information, particularly with regard to certain non-reporting States parties. In that connection, UNDP and all other relevant specialized agencies had been invited by the Committee, on the strength of its positive experience with the consideration of the situation of economic, social and cultural rights in the Solomon Islands, a non-reporting State party, to participate in the current session to review the implementation of the Covenant in the Republic of the Congo, which was also a non-reporting State party. The secretariat had provided the Congolese authorities with the necessary information and materials to commence the preparation of the State party's initial report.

4. The secretariat was also seeking to strengthen the Committee's relationship with the Food and Agriculture Organization of the United Nations (FAO), which had expressed its willingness to convene a working meeting with members of the Committee to discuss the modalities for cooperation on human rights. Similarly, efforts were under way to enhance the working relationship between the Committee and the World Health Organization (WHO), which was actively involved in the drafting of a general comment on the right to health, to be considered by the Committee at the current session. The general comment was, moreover, being prepared at a timely moment, coinciding with the efforts of WHO to incorporate a human rights-based approach into its activities. That would contribute to a better understanding of and further realization of the right to health by States parties. At the regional level, her Office had organized the first Asia-Pacific workshop on the right to development and economic, social and cultural rights, which had been held in San'a (Yemen) and had been attended by the Chairperson of the Committee. In their recommendations, the workshop's participants had clearly endorsed the important role of the Committee in the realization of economic, social and cultural rights and in contributing to a better understanding of the relationship between the right to development and human rights, particularly economic, social and cultural rights.

5. She was pleased to inform the Committee that the Commission on Human Rights, at its fifty-sixth session, had requested the appointment, with a three-year mandate, of a special rapporteur on the right to food, who would focus on all aspects of the right in question, establishing cooperation with Governments, inter-governmental organizations, in particular FAO, and non-governmental organizations. Furthermore, the Special Dialogue at the recent session of the Commission, devoted to poverty and the enjoyment of human rights, had highlighted the relationship between economic, social and cultural rights and civil and political rights, with particular reference to the right to development. The special rapporteurs and independent experts working in the field of economic, social and cultural rights had, in addition, requested a special consultation with representatives of United Nations organs, specialized agencies and programmes, thereby recognizing that economic, social and cultural rights, in the context of the gobalization process, required a holistic approach and mutual assistance, in which the Committee could play a significant role.

6. Reaffirming the importance of economic, social and cultural rights, the Commission had adopted a resolution strongly supporting the mandate of the Special Rapporteur on Education, had requested the appointment of a special rapporteur on the right to adequate housing and had renewed its call for States, international organizations and non-governmental organizations to transmit their comments on the draft optional protocol to the Covenant.

7. In conclusion, she welcomed the Committee's contribution to the preparations for the World Conference against Racism and wished to reiterate that its involvement in other activities of her Office contributed to the promotion and protection of economic, social and cultural rights both within and outside the United Nations. Lastly, she assured the Committee members of her Office's determination to continue its efforts to secure the realization of all economic, social and culture rights.

8. The CHAIRPERSON, speaking on behalf of all the members of the Committee, thanked Mrs. Robinson for having contributed to renewed interest in economic, social and cultural rights, in particular by involving the Committee in all the activities of her Office, including at the regional level. She looked forward to the appointment of special rapporteurs on the right to food and the right to adequate housing, two matters to which the Committee attached great importance. She also noted with satisfaction that the Commission on Human Rights was continuing work on the preparation of a draft optional protocol to the Covenant.

9. Mr. RIEDEL said that the idea of incorporating human rights into the activities of the specialized agencies was already bearing fruit, as attested by the degree of cooperation that the Committee had enjoyed from FAO in the drafting of the general comment on article 11 of the Covenant.

10. Mr. TEXIER indicated that a body recently set up in France, namely the High Council for International Cooperation, had secured the agreement in principle of the governing bodies of the World Bank and UNDP to convene a seminar on economic, social and culture rights. The Committee, which had long been seeking to organize such a seminar with the World Bank and UNDP, should make sure that it was involved in the organization of that meeting.

11. Mr. HUNT said that the essential contribution of UNESCO to the drafting of the general comment on article 13 of the Covenant attested to the usefulness of the efforts being made by the Office of the High Commissioner to encourage closer cooperation between the Committee and the specialized agencies. At a recent meeting on coordination between special rapporteurs, the Committee and the specialized agencies, the participants had emphasized that it was the duty of the human rights bodies to show precisely how incorporating human rights enhanced the activities of the specialized agencies. It would be worth while for the Committee to consider that question in greater depth.

12. Mr. SADI pointed out that it was the practice of the World Trade Organization (WTO) to call on a law firm to study the national legislation of countries that were candidates for accession to see whether or not their legal rules conformed to the obligations that would arise for them upon accession. He wondered whether the Committee could not do the same for all countries wishing to accede to the Covenant.

13. Mr. ANTANOVICH said that it was important for the Office of the High Commissioner to help government officials of countries of the Commonwealth of the Independent States (CIS) to understand the rules for human rights reporting. Such assistance, which might take the form of guidelines or even training programmes, would serve to ensure effective monitoring of the observance of human rights in the region concerned.

14. Mrs. ROBINSON (High Commissioner for Human Rights) said that she was grateful for the support expressed by members of the Committee for her efforts to establish a relationship between their activities and those of the specialized agencies. While she shared Mr. Hunt's view regarding the need for more in-depth consideration of the modalities of such cooperation, she feared that the suggestion made by Mr. Sadi, although very interesting, might involve considerable cost. The seminar on economic, social and cultural rights referred to by Mr. Texier would be very timely, especially as the UNDP Human Development Report in 2000 would focus on human rights. She agreed with the Chairperson that a regional approach was a good strategy for involving the Committee and interested NGOs in work for the promotion of economic, social and cultural rights.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

ADOPTION OF THE AGENDA (agenda item 1) (E/C.12/2000/1)

15. The agenda was adopted.

ORGANIZATION OF WORK (agenda item 2) (E/C.12/2000/L.1)

16. The draft programme of work was adopted.

17. The CHAIRPERSON drew the attention of members of the Committee to the programme of work for the first extraordinary session that had been approved by the Economic and Social Council in its decision 1999/287 and would be held from 14 August to 1 September 2000.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3)

Draft general comment No. 14 concerning article 12 of the Covenant (HR/CESCR/2000/NONE/6)

18. Mr. RIEDEL presented draft general comment No. 14 on the right to health, which would be considered on 29 April 2000 by an informal working group with the participation of representatives of WHO and NGOs and to which interested Committee members were invited. The draft general comment was the product not only of in-depth discussions with representatives of WHO, but also of inputs from international experts and NGOs. He added that WHO was in the process of incorporating human rights into all its activities and would be proposing new indicators on health by the end of the year.

19. Mr. TIKHONOV (Secretary of the Committee) invited Committee members to transmit any suggestions they wished to make on the wording of the text of the draft general comment by 29 April 2000.

20. Mrs. JIMÉNEZ BUTRAGUEÑO said that, in her view, the draft general comment should take account of the right to health of older persons, who represented an increasing proportion of the world population.

21. Mr. SADI suggested that, in view of the complexity of the matter, members of the Committee might wish to conduct an exchange of views before submitting written contributions.

22. The CHAIRPERSON pointed out that the technical aspect of the question had been dealt with in sufficient detail and felt that it should be possible to adopt the draft general comment at the current session.

23. Replying to Mr. Antanovich, Mr. TIKHONOV (Secretary of the Committee) said that the draft general comment had been the subject of in-depth consultations and had been submitted to a large number of experts throughout the world. Their comments had been gathered in a document that would be distributed to members of the Committee.

FOLLOW-UP TO THE CONSIDERATION OF REPORTS UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (E/C.12/2000/3)

24. Mr. CEAUSU said that the note from the secretariat (E/C.12/2000/3) needed to be updated and a number of decisions had to be taken. For example, a State party which had sent the information requested should be removed from the list of countries appearing in the note. Also, what action should the Committee take when the deadline for the submission of replies by States parties had expired?

25. The CHAIRPERSON said that the important question raised by Mr. Ceausu should be examined at a later stage.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 5)

26. Mrs. JIMÉNEZ BUTRAGUEÑO, reviewing briefly the work of the twenty-second session of the Committee on the Elimination of Discrimination against Women (New York, 17 January-4 February 2000), indicated that, during its consideration of the eight reports before it, the Committee had dealt in particular with the effects of economic problems and armed conflicts on the situation of women, including the "feminization of poverty", violence against women, both within the family and in society as a whole, and deterioration in the protection of children.

27. The Committee on the Elimination of Discrimination against Women had welcomed the signature of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women by Luxembourg and its firm intention to ratify the Protocol shortly. While there was no particular subject of concern regarding implementation of the Convention, an amendment of the Luxembourg Constitution would be needed to incorporate, in accordance with article 2 of the Convention, the principle of the equality of men and women. The Committee had also recommended eliminating the stereotypes that affected the distribution of tasks and responsibilities, including the matter of succession to the Crown of the Grand Duchy and the choice of the name of children, and had suggested the adoption of a specific law on domestic violence against women.

28. The Committee on the Elimination of Discrimination against Women had welcomed the participation of NGOs in the preparation of the initial and second periodic reports of Jordan as well as the amendments made, since ratification of the Convention, to the labour law and family law, and the overall progress made in various fields. However, full implementation of the Convention was seriously hampered not only by socio-economic factors but also by the persistence of patriarchal stereotypes in the distribution of tasks and roles between men and women. The Committee had, inter alia, focused in its recommendations on the need to eliminate polygamy, to amend the Penal Code to penalize the beating, injury or killing of women for adultery, to combat violence against women, to afford better protection for rural women, to encourage women's participation in political activities and to combat female illiteracy.

29. With regard to India, the Committee on the Elimination of Discrimination against Women had recommended that the Government should allocate more resources and give greater powers to the National Commission for Women, and should also increase the representation of NGOs in that body.

30. In its concluding observations on the initial report and second and third periodic reports submitted by the Democratic Republic of the Congo, the Committee on the Elimination of Discrimination against Women had focused on the obstacles created by socio-economic problems, armed conflict and the survival of stereotypes based on male superiority that continued to exist in all fields of law and all sectors of society. The levirate, dowry, forced marriage, polygamy, female genital mutilation and violence against women were all forms of discrimination that conflicted with the obligations undertaken at the time of ratification of the Convention. The Government should take steps to put an end to such practices and promote the representation of women in political life and decision-making, facilitate their access to property

and credit, combat female illiteracy and improve health care services with a view to reducing maternal and child mortality. The Committee had at the same time welcomed the establishment of the National Women's Council and the plan of action to implement the recommendations made, inter alia, at the Beijing World Conference in September 1995.

31. Concerning Myanmar, the Committee on the Elimination of Discrimination against Women had recommended that the Government should take the necessary steps to put an end to violence against women, the acts of rape perpetrated by the army and the trade in women and children, to reduce the incidence of AIDS among the female population, to improve conditions of detention, lower the high maternal mortality rate and broaden women's access to higher education and skilled employment.

32. With regard to Burkina Faso, the Committee on the Elimination of Discrimination against Women had called on the Government and the Ministry for the Advancement of Women to redouble efforts, in cooperation with NGOs, religious leaders, intellectuals and the media, among others, to improve the situation of women, particularly in rural areas, and to enable more women to participate in the life of their country. It had focused attention most especially on efforts aimed at combating violence against women, broadening the access of girls to education and providing more extensive human rights training for police officers, health workers and the media, as well as improving health services, including family planning to prevent teenage pregnancies and abortions, and combating HIV/AIDS and female genital mutilation.

33. With respect to Belarus, the Committee on the Elimination of Discrimination against Women had welcomed the adoption of the plan of action for 1996-2000 to improve the situation of women and the establishment of a programme to encourage the participation of women in the country's development. Obstacles to implementation of the Convention notably included the transition to a market economy, which was responsible for rising unemployment and the impoverishment of women - particularly older and disabled women. The State party had been called upon to increase the numbers of women in decision-making posts, to combat family violence against women, the resurgence of prostitution and traffic in women, and to improve health care for women.

34. Lastly, insofar as Germany was concerned, the Committee on the Elimination of Discrimination against Women had recommended that the Government should redouble efforts to improve the situation of women in the new Länder, particularly in respect of employment, to combat discriminatory stereotypes in the distribution of tasks, family violence, racist or xenophobic attacks on foreigners and trafficking in women and girls, and to protect asylum-seekers.

35. Mr. KOUZNETSOV, referring to the work of the Human Rights Committee, said that the interdependence of civil and political rights and of economic, social and cultural rights was vital for that body and the two categories of rights were indeed indissociable, interdependent and closely related.

The meeting rose at 12.55 p.m.